

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 12-46

March 30, 2012

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Anne Purcell, Associate General Counsel

SUBJECT: Call for Nominations of Historical Case Files for Cases Closed CY 2010

Each year Regional Offices nominate a small sample (1-3%)¹ of their closed cases as having historical value according to the requirements of [Chapter REC-2\(A\) of the APPM](#) <https://insider.nlr.gov/sites/default/files/single_column_layout/2011/08/appm-rec-2a.pdf>. (Section 22, Disposition of NLRB Official Case Files, pg. 17-18). Next, the Records Committee considers the nominations then makes a final determination. These case files (“Historical,” “Permanent,” and/or “Select” cases) are eventually transferred to the [National Archives and Records Administration \(NARA\)](#) <<http://www.archives.gov/>> for indefinite preservation (“permanent retention”).

Attached are the nomination guidelines (“selection criteria”)² and the Case File Disposition Chart.

NOTE: Nomination lists should not include cases either dismissed or approved for withdrawal as without merit by the Regional Director. Related cases, if they are to be considered by the Records Committee, must be added.

Please email the nomination list for cases closed **CY 2010** to Stacie Byas, Agency Records Officer, at <stacie.byas@nlrb.gov>.

Nomination lists must include: case number, parties, and a brief description of the significance of the case. The deadline for nominations is **Monday, April 30, 2012**.

We appreciate your timely response. Please direct any questions to Stacie Byas at <stacie.byas@nlrb.gov> or (202) 273-2833.

/s/
A.P.

Attachments

cc: NLRBU

¹ If the cases in your office having historical significance exceed 1-3%, it is appropriate to forward them, if you believe they meet the criteria.

² The guidelines are also available in: [Chapter REC-2\(A\) of the APPM](#) (pg. 17). <https://insider.nlr.gov/sites/default/files/single_column_layout/2011/08/appm-rec-2a.pdf>; and the NLRB [Records Schedule](#) (PDF pg. 6). <http://insider.nlr.gov/sites/default/files/documents/users/user1091/schedule_800.pdf>.

Nomination Guidelines (“Selection Criteria”) for the Selection of Case File

As part of its archival holdings, the [National Archives and Records Administration \(NARA\)](http://www.archives.gov/) <<http://www.archives.gov/>> maintains all NLRB case files closed prior to 1948. Since 1948, between 1 and 3 percent of all NLRB case files are selected for NARA indefinite preservation (“permanent retention”) each year. These files illustrate significant developments in the administration of the National Labor Relations Act or otherwise represent the most important cases considered in a given year. The following factors are used to nominate cases:³

1. The nature of the substantive or procedural issues involved, as constituting a landmark or lead case.
2. The intensity of public interest and comment.
3. The impact on the local or national economy of the actions giving rise to the case.
4. The unique character of the issue or procedures involved, as demonstrating the Agency’s resourcefulness.
5. The case’s influence on the development of principles, precedents, policies, or standards of judgment in such matter as the definition of the jurisdiction of the Board and the limits of interstate commerce; the meaning of unfair labor practices; the implications of bargaining in good faith; the determination of what constitutes undue interference, restraint, or coercion; the unit appropriate for purpose of collective bargaining; and the problem of inclusion in bargaining units of fringe group or supervisory employees.
6. The attention given to the preservation of the history of the efforts to organize a given industry.

³ The guidelines are also available in: [Chapter REC-2\(A\) of the APPM](https://insider.nlr.gov/sites/default/files/single_column_layout/2011/08/appm-rec-2a.pdf) (pg. 17). <https://insider.nlr.gov/sites/default/files/single_column_layout/2011/08/appm-rec-2a.pdf>; and the NLRB [Records Schedule](#) (PDF pg. 6). <http://insider.nlr.gov/sites/default/files/documents/users/user1091/schedule_800.pdf>.

Case File Disposition Chart

Closed Cases Selected by the Records Selection Committee for Permanent Retention (“Selects”)						Closed Cases Not Selected for Permanent Retention (“Non Selects”)	
Year Case Closed	Washington	Regional Office	Washington	Regional Office	Washington	Regional Office	Federal Records Center (FRC)
	Operations Management instructs Regional Offices to nominate 1% to 3% of C, R, AC, UC, and UD cases for permanent retention*	Regional Offices send their nomination lists to the Records Management Section (RMS) for review by the NLRB Records Selection Committee	RMS sends the approved lists to the Regional Offices**	Regional Offices ship the paper copy of their selects to the Case Records Unit (CRU)	CRU ships the of selects to the Federal Records Center (FRC)	Ships non selects to the FRC	FRC notifies Regional Office to approve the destruction of the non selects
	March	April	August	November	August	January	January
2005	Done	Done	Done	Done	Done	Done	2012
2006	Done	Done	Done	Done	Done	Done	2013
2007	Done	Done	Done	Done	Done	Done	2014
2008	Done	Done	Done	Done	Done	Done	2015
2009	Done	Done	Done	Done	2012	2012	2016
2010	2012	2012	2012	2012	2013	2013	2017
2011	2013	2013	2013	2013	2014	2014	2018

* Nominations should not include cases that were dismissed or withdrawn.

** The final, approved list may included additional cases.

Please direct any questions about this chart to Stacie Byas, Agency Records Officer, (202) 273-2833.